

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 9-13, 1999

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-10	EX	75/331,521	Moore U.S.A., Inc.	Simms* Bucher Bottorff	2(d)	Refusal Affirmed		"LIFT OFF" (and design) [blank and preprinted re-positional and removable labels]	"LIFT OFF" [adhesive application tape used for transferring vinyl letters and logos]	Kastriner	No
8-11	EX EX EX EX	74/406,483 74/406,485 74/546,552 74/546,554	Melamine Chemicals, Inc.	Quinn* Walters Wendel	2(e)(1) (genericness); whether applicant's marks are registrable under Section 2(f)	Refusal Affirmed (in all four cases on both grounds)		"MELAMINE CHEMICALS, INC." and "MELAMINE CHEMICALS INC." (and design) [both marks for chemicals, namely, melamine and for providing technical consultation services in the field of melamine]		Gray	No
8-11	EX	74/209,526	TBAC Investment Trust	Cissel* Quinn Wendel	2(d)	Refusal Affirmed (as to both cited registrations)		"EQUATOR" [small leather goods, namely, men's and ladies' belts, clutches, wallets, key cases, credit/business card cases, purses and hand bags; clothing, namely, neckwear and men's and ladies' belts]	"EQUATOR" (and design) [watches]; "EQUATOR" (and design) [luggage and travelling bags]	Singleton	No
8-11	EX	74/031,427	Holophane Corp.	Cissel* Seeherman Hohein	2(e)(1)	Refusal Reversed		"GLASWERKS" [electric lighting fixtures]		Wellington	No
8-11	EX	75/016,128	800-Gifthouse	Simms Quinn Wendel*	2(e)(1)	Refusal Affirmed		"WORLD'S FAVORITE FLORIST" [receiving orders for flowers and floral products, transmitting them to and/or causing them to be filled by participating florists in the vicinity of the recipient]		Kline	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 9-13, 1999 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-11	OPP (SJ)	104,585	Robert Schneider v. Gonella D. Jemison	Cissel Hohein Rogers [Opinion "By the Board"]	2(d)	Opposition Sustained [motion for summary judgment granted]	"1-800-949-HUGS" [telephone shop-at-home services in the field of stuffed toys, especially stuffed teddy bears] and "SEND-A-HUG" (and design) [mail order services featuring stuffed animals]	"1-800-324-HUGS" [telephone shop-at-home services in the field of stuffed toys]			No
8-12	CANC (MD)	24,465	Superstars of Wrestling (WWA Superstars), Inc. v. Titan Sports, Inc.	Cissel Quinn Rogers*	2(d); motion for FRCP Rule 11 sanctions	Petition to Cancel Denied [Motion to Dismiss Granted]	"SUPERSTARS OF WRESTLING" [professional wrestling entertainment services]	"WWF SUPERSTARS" [entertainment services, namely, television programs featuring wrestling exhibitions and live performances by professional wrestler/entertainers]			No
8-12	CANC	19,815	Danish Dairy Board, Inc. v. The Ministry of Commerce and Industry of the Republic of Cyprus	Simms Cissel* Chapman	genericness; fraud; whether respondent failed to control use of its registered certification mark	Petition to Cancel Denied		"HALLOUMI" [certification mark for cheese produced only in Cyprus]			No
8-12	EX	75/246,916	Professional Product Research, Inc.	Cissel* Hohein Bottorff	2(d)	Refusal Affirmed		"SPIDER FIGHTER" [insecticide]	"FLY FIGHTER" [insecticide]	Charlon	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 9-13, 1999 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-12	EX	75/072,617	Platinum Technology, Inc.	Simms* Seeherman Wendel	2(e)(1)	Refusal Affirmed		"SQL-ARCHIVE" [computer software for use in data management, storage management, file migration, and the backup, restoration and archiving of computer system files in networked and heterogeneous computing environments; computer software for library management of computer files; computer system software tools and utilities for backup, restoration and management of files; and instructional manuals sold as a unit therewith]		Stine	No
8-13	EX	74/695,746	Indexing Technologies, Inc.	Quinn Chapman* Bucher	2(e)(1); whether applicant must provide a more definite recitation of its services	Refusal Affirmed (on both grounds)		"INDEXING TECHNOLOGIES" [wholesale distribution featuring material handling equipment, indexing devices, indexing components and parts therefor]		W.K. Price	No
8-13	EX	75/190,781	Miller & Kreisel Sound Corp.	Hohein Wendel* Bucher	2(e)(1)	Refusal Reversed		"TRIPOLE" [audio sound systems, namely, loudspeakers, sound mixers and multi-channel sound reproduction equipment]		Stine	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 9-13, 1999 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-13	EX	75/118,809	Cook Pacemaker Corp.	Seeherman Quinn* Chapman	2(e)(1) [genericness]; whether applicant's mark has become distinctive under Section 2(f)	Refusal Affirmed (on both grounds)		"LEAD EXTRACTION" [medical kits comprising various combinations of one or more of locking stylets, coils, sheaths, catheters, cannulae, tubes, locking wire guides, wire guides, hemostats, clamps, gauge pins, clippers, pin vises, coil expanders, stylet wires, dilators, dilator sheaths, and baskets for the percutaneous or transvenous snaring, removal, retrieval or withdrawal of surgical leads]		J. Dalier	No
8-13	EX	75/151,118	TXI Operations, LP	Cissel Seeherman* Hohein	2(e)(1)	Refusal Affirmed		"PRESSURE SEAL" [well fluid additive granular materials, namely, expanded clay and shale aggregates as additives for well drilling, lost circulation, workover and completion fluids]		Wood	No
8-13	OPP	103,349	TBC Corp. v. The Hercules Tire & Rubber Co.	Hohein* Wendel Bucher	2(d)	Opposition Sustained	"GRAND PRIX" [automobile tires, etc.]; "GRAND PRIX RADIAL G/T" (and design) [automobile tires]; "GRAND SPORT" [vehicle tires]; "GRAND SPIRIT" [vehicle tires]; "GRAND AM" [automobile tires]	"GRAND VALLEY" [tires for motor vehicles]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member